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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/608,309 | 06/27/2003 | Tal Mor | CM03279J | 8932 |

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| EXAMINER | |
|---|---|
| TRAN, THUY V | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2821 | |

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|---|---|---|
| | 10/608,309 | MOR ET AL. |
| | Examiner | Art Unit |
| | Thuy V. Tran | 2821 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *amendment filed 06/24/2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *19 and 20* is/are allowed.

6)☒ Claim(s) *1,8 and 15* is/are rejected.

7)☒ Claim(s) *2,3,5-7,9,10 and 12-14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

This is a response to the Applicants' amendment submitted on June 24th, 2005. In virtue of this amendment, claims 4, 11, and 16-18 were previously canceled; and thus, claims 1-3, 5-10, 12-15, and 19-20 are now presented in the instant application.

### *Claim Objections/ Improper dependent claim*

1. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. While "The apparatus" is the preamble of the claim, the limitation "the display screen" which has been already recited in claim 8 does not constitute any further limitation. Therefore, the limitation claimed in claim 8 is not treated on the merits.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lipp (U.S. Patent No. 5,398,022).

With respect to claim 1, Lipp discloses, in Figs. 1-4, an apparatus and a corresponding method for controlling an illumination of a display screen [50] in a portable wireless communication device [5] comprising (1) illuminating (via light source [60]; see Fig. 1) the display screen (which is in display [50]), (2) determining an illumination time parameter

corresponding to a message displayed on the display screen, wherein the illumination time parameter is based on a type of message to be displayed (see col. 3, lines 10-19), and (3) maintaining the illumination of the display screen (which is in [50]) for a period of time that is based on the illumination time parameter (see col. 3, lines 10-65).

With respect to claims 8 and 15, Lipp discloses, in Figs. 1-4, an apparatus for controlling an illumination of a display screen [50] in a portable wireless communication device [5] comprising (1) a light source [60] (see Fig. 1) for illuminating the display screen (which is in [50]), and (2) a processor [40] coupled to the light source [60] that couples power (via switches [70]; see Fig. 1) to illuminate the display screen (which is in [50]), determines an illumination time parameter corresponding to a message displayed on the display screen (which is in [50]), wherein the illumination parameter is based on a type of message to be displayed (see col. 3, lines 10-19), and maintains a coupling of power to the light source [60] for a period of time that is based on the illumination time parameter (see col. 3, lines 10-65).

***Allowable Subject Matter***

4. Claims 19-20 are allowed.

5. Claims 2-3, 5-7, 9-10, and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest:

- A method for controlling an illumination of a display screen in portable wireless communication device wherein maintaining the illumination of the display screen for

a period of time comprises decrementing the time value to produce a remaining time value, and terminating the illumination of the display screen when the remaining time value no longer exceeds zero, in combination with the remaining claimed limitations as called for in claim 2;

- A method for controlling an illumination of a display screen in portable wireless communication device wherein determining at least one illumination time parameter comprises determining a plurality of illumination time parameters, and wherein an illumination time parameter of the plurality of illumination time parameters comprises a time constant, in combination with the remaining claimed limitations as called for in claim 3;
- A method for controlling an illumination of a display screen in portable wireless communication device further comprising when the display screen is illuminated, receiving an instruction to terminate the illumination of the display screen, and in response to receiving the instruction, terminating the illumination of the display screen prior to an expiration of the period of time, in combination with the remaining claimed limitations as called for in claim 5;
- A method for controlling an illumination of a display screen in portable wireless communication device wherein illuminating a display screen comprises sensing a level of ambient light, comparing the level of ambient light to an ambient light threshold, and when the level of ambient light is greater than the ambient light threshold determining to not illuminate the display screen, and wherein illuminating a display screen comprises illuminating a display screen when the level of ambient light

is less than the ambient light threshold, in combination with the remaining claimed limitations as called for in claim 6;

- A method for controlling an illumination of a display screen in portable wireless communication device wherein maintaining the illumination of the display screen comprises when the level of ambient light is greater than the ambient light threshold, terminating the illumination of the display screen prior to an expiration of the period of time, in combination with the remaining claimed limitations as called for in claim 7;
- An apparatus for controlling an illumination of a display screen in portable wireless communication device wherein decrementing the timer to produce a remaining time value, and terminating the illumination of the display screen when the remaining time value no longer exceeds zero, in combination with the remaining claimed limitations as called for in claim 9;
- An apparatus for controlling an illumination of a display screen in portable wireless communication device wherein an illumination time parameter of the plurality of illumination time parameters comprises a time constant, in combination with the remaining claimed limitations as called for in claim 10;
- An apparatus for controlling an illumination of a display screen in portable wireless communication device wherein the processor, in response to receiving the instruction, decouples power from the light source prior to an expiration of the period of time, in combination with the remaining claimed limitations as called for in claim 12;

- An apparatus for controlling an illumination of a display screen in a portable wireless communication device wherein the apparatus further comprises a light sensor coupled to the processor that senses a level of ambient light and conveys a signal corresponding to the sensed level of ambient light to the processor and wherein the processor further compares the level of ambient light to an ambient light threshold that is maintained in a memory device coupled to the processor, couples power to the light source to illuminate the display screen when the level of ambient light is less than the ambient light threshold, and determines not to illuminate the display screen when the level of ambient light is greater than the ambient light threshold, in combination with the remaining claimed limitations as called for in claim 13;
- An apparatus for controlling an illumination of a display screen in a portable wireless communication device wherein the apparatus further comprises a light sensor coupled to the processor that senses a level of ambient light and conveys a signal corresponding to the sensed level of ambient light to the processor and wherein the processor further compares the level of ambient light to an ambient light threshold that is maintained in a memory device coupled to the processor and, when the level of ambient light is greater than the ambient light threshold, terminates the illumination of the display screen prior to an expiration of the period of time, in combination with the remaining claimed limitations as called for in claim 14; and
- An apparatus for controlling illumination of a display screen in a portable wireless communication device comprising a light sensor coupled to the processor that senses a level of ambient light and conveys a signal corresponding to the sensed level of

ambient light to the processor, and wherein the processor further compares the level of ambient light to an ambient light threshold that is maintained in a memory device coupled to the processor, couples power to the light source to illuminate the display screen when the level of ambient light is less than the ambient light threshold, and determines not to illuminate the display screen when the level of ambient light is greater than the ambient light threshold, in combination with the remaining claimed limitations as called for in independent claim 19 (claim 20 would be allowed if corrected to overcome the objection set forth in this Office Action since it is dependent on claim 19).

***Remarks and conclusion***

*7.* Applicant's arguments filed on June 24th, 2005 have been fully considered but they are not persuasive.

With respect to Applicants' arguments on claim 15 on the third paragraph at page 7, the Examiner respectfully disagrees. As addressed in the claim objection section, while the "apparatus" is the preamble of the claim, the limitation "display screen", which has already recited in claim 8, does not constitute any further limitation. Therefore, the claim is not treated on the merits. The objection on this claim 15 is sustained and claim 15 is also rejected along with claim 8 as being anticipated by the teachings of Lipp.

With respect to Applicants' arguments on claim 1 on the second paragraph at page 8, the Examiner respectfully disagrees with Applicants' statement "Nowhere does Lipp teach the features of claim 1 of a determining of an illumination time parameter corresponding to any of a length of the message, a number of lines of the display screen required to display the message, or

a type of message to be displayed". As addressed above in the section "*Claim Rejections - 35 USC § 102*", the cited prior art to Lipp clearly discloses all of the claimed subject matter including the limitation of determining of an illumination time parameter corresponding to a type of message to be displayed (see Lipp; col. 3, lines 10-65). Therefore, claim 1 remains rejected as being anticipated by the teachings of Lipp.

With respect to Applicants' arguments on claim 8 on the first paragraph at page 9, the Examiner respectfully disagrees with Applicants' statement "such a processor (as claimed in claim 8) is not taught by Lipp". As addressed above in the section "*Claim Rejections - 35 USC § 102*", the cited prior art to Lipp clearly discloses all of the claimed subject matter including a processor [40] which is coupled to the light source [60] and power (via switches [70]; see Fig. 1) to illuminate the display screen (which is in [50]), determines an illumination time parameter corresponding to a message displayed on the display screen (which is in [50]), wherein the illumination parameter is based on a type of message to be displayed (see col. 3, lines 10-19), and maintains a coupling of power to the light source [60] for a period of time that is based on the illumination time parameter (see col. 3, lines 10-65). Therefore, claim 8 remains rejected as being anticipated by the teachings of Lipp.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09/06/2005

THUY V. TRAN
PRIMARY EXAMINER